

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7347

BILL NUMBER: SB 590

NOTE PREPARED: Apr 29, 2013

BILL AMENDED: Apr 26, 2013

SUBJECT: Dental Matters.

FIRST AUTHOR: Sen. Mishler

FIRST SPONSOR: Rep. Bacon

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Voluntary Charitable Permit-* The bill establishes a limited voluntary charitable permit for dental hygienists and dentists.

Adds R.D.H. as Title- The bill adds "R.D.H." to the titles to be used for a dental hygienist.

Dentist Compliance Fee- The bill adds a \$20 compliance fee that a dentist and a dental hygienist must pay at license renewal.

Repealer- The bill repeals provisions requiring that continuing education courses for dental hygienists and dentists be made available in all Indiana geographic regions.

Memorandum of Understanding- The bill requires the Attorney General (AG) and the Indiana Professional Licensing Agency (PLA) to enter into a memorandum of understanding concerning investigations of dental hygienists and dentists.

Unaccredited Dental College Requirements- The bill sets forth requirements for dental applicants who have graduated from an unaccredited dental college located outside the United States.

Discontinuation of Dental Practice- The bill establishes discontinuation of dental practice procedures. The bill provides that a person who intentionally prevents a dentist from complying with the discontinuation requirements commits a Class A misdemeanor and allows for the office of the Attorney General (AG) to bring a civil action suit against the person to enjoin a violation.

Dentures Marked with SSN- The bill removes a provision that dentures may be marked with a patient's Social Security number (SSN).

Health Finance Commission- The bill requires the Health Finance Commission (HFC) to study, during the 2013 Legislative interim, issues concerning the delivery of dental practices and options and procedures concerning consumer protections for dental care services.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Summary:* The Professional Licensing Agency may require an increase in administrative time in order to process the additional fee revenue, voluntary charity permits, and dentist office registrations the bill would generate. The PLA already tracks mobile dental facilities and dental offices that administer anesthesia and sedation. It is likely the PLA would be able to accomplish these tasks within existing resources.

The Dentistry Board would likely be able to carry out its responsibilities under the bill within its existing allotment of business meetings.

Memorandum of Understanding- The AG and the PLA would likely be able to reach a memorandum of understanding required by the bill within their existing level of resources.

Discontinuation of Dental Practice- The bill would allow the Attorney General (AG) to bring a civil action against a person for not complying with this provision of the bill. It is likely that the AG would be able to seek injunctive relief under the bill within existing staffing levels of the AG's Office.

Health Finance Commission- The Health Finance Commission would be required to study dentistry consumer options, delivery of dental practices, and protections for dental care services. It is likely, depending on the number of topics assigned to the Health Finance Commission during the 2013 Legislative interim, that the topics could be studied within the HFC's established budget for the interim.

Background Information- There were 3,897 dentists and 4,854 dental hygienists with an active license as of September 2012.

Explanation of State Revenues: *Dentist Compliance Fee-* Assuming recent trends in dental hygienist and dentist licensing renewals hold, it is estimated the fee would generate approximately \$177,000 over the FY 2014 - FY 2015 biennium. The compliance fee revenue would be deposited into the Dental Compliance Fund.

Voluntary Charitable Permit- The Dentistry Board would set the permit fee for the charitable permit. The added revenue would depend on the fee and the number of permits issued.

Unaccredited Dental College Requirements- The impact of this provision on licensing revenue is indeterminable and depends on the number of applicants successfully completing the bill's requirements in future years.

Discontinuation of Dental Practice- The bill would establish a Class A misdemeanor for violations of the dental practice discontinuation provision. If additional court cases occur and fines are collected, revenue to both

the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

Court Action: Courts would be allowed to order a person that knowingly committed violations under this provision to pay a civil penalty of not more than \$5,000 per violation. Revenue from this provision would be deposited into the state General Fund.

Background Information- The Dental Compliance Fund had total assets of \$63,826 at the close of FY 2012.

Explanation of Local Expenditures: *Discontinuation of Dental Practice-* A Class A misdemeanor is punishable by up to one year in jail.

Explanation of Local Revenues: *Discontinuation of Dental Practice-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: State Board of Dentistry; Professional Licensing Agency; Attorney General.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Professional Licensing Agency; State Auditor's Report year-end FY 2012.

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